

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HORACIO OLVERA,

Plaintiff,

vs.

CELADON TRUCKING SERVICES,
INC., MARNEKIA JOVONA CARTER,

Defendants.

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SA-19-CV-00199-ESC

ORDER

Before the Court in the above-styled cause of action is the parties' Joint Motion for Cancellation of Hearing on Defendant's Motion to Exclude [#36]. By their motion, the parties ask the Court to cancel the hearing set for January 8, 2020 on Defendants' Motion to Exclude. The parties have agreed to cancel the deposition of Dr. Prasad, the expert witness at issue in Defendants' motion, due to the filing of Chapter 11 bankruptcy by Defendant Celadon Trucking Services. Additionally, the parties believe this entire case should be stayed because Defendant Carter was an employee of Celadon at the time of the events underlying this suit. The parties therefore contend that any judgment against Carter would result in a judgment against Celadon. Based on these representations, the Court will grant the motion, cancel the scheduled hearing, and dismiss Defendants' Motion to Exclude as moot. By separate order the Court will also stay the claims against Carter based on the parties' agreement.

IT IS THEREFORE ORDERED that the parties' Joint Motion for Cancellation of Hearing on Defendant's Motion to Exclude [#36] is **GRANTED**.

IT IS FURTHER ORDERED that the hearing scheduled for January 8, 2020 at 10:30 a.m. is **CANCELED**.

IT IS FINALLY ORDERED that Defendants' Motion to Exclude Evidence and Testimony of Dr. Prasad Relating to Future Medical Treatment and Expenses [#26] is **DISMISSED AS MOOT**.

SIGNED this 6th day of January, 2020.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE